

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:05CR233-2

UNITED STATES OF AMERICA,)

)

)

vs.

)

ORDER

)

)

AMBER LENE KELLY.)

)

THIS MATTER is before the Court on the Defendant's appeal from the Magistrate Judge's Order reaffirming his previous decision to order a psychiatric evaluation of the Defendant.

The Court has listened to the proceedings leading up to this decision and the motion for reconsideration. It is compelling that defense counsel himself moved for the evaluation after consultation with his client. This, however, was omitted from the appeal. In fact, no reason was provided in the appeal as to why the Magistrate's ruling should be overturned.

IT IS, THEREFORE, ORDERED that the Defendant's appeal is hereby **DENIED.**

Signed: October 11, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

